

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KENNETH WAYNE HARDING,)	
)	
Plaintiff,)	
)	No. 3:13-cv-0449
v.)	
)	Judge Sharp
DAVIDSON COUNTY SHERIFF’S)	Magistrate Judge Griffin
OFFICE, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

Plaintiff Kenneth Wayne Harding, a prisoner proceeding *pro se* and *in forma pauperis*, filed a Complaint on May 13, 2013, against multiple defendants, including Michael Garmon and Joshua Holland,¹ wherein he sought damages under 42 U.S.C. § 1983 for alleged violations of his civil rights that occurred in 2012, while he was confined at a Davidson County Sheriff’s Office facility. *See* (Docket Entry No. 1, Complaint).

Pending before the Court is a *Motion to Dismiss by Defendants Michael Garmon and Joshua Holland* (Docket Entry No. 15). Plaintiff filed a response in opposition (Docket Entry No. 22), and Defendants filed a reply (Docket Entry No. 23).

Magistrate Judge Griffin entered a Report and Recommendation (“R & R”) (Docket Entry No. 25) in this case on October 2, 2013, concluding “[b]ecause the Court finds that the plaintiff fails to set out factual allegations that would support plausible claims against Defendants Garmon and Holland, there is no reason for the Court to address the Defendants’ alternative argument on qualified immunity.” (*Id.* at 6). Therefore, recommending that “the Motion to Dismiss (Docket Entry No. 15) of Defendants Michael Garmon and Joshua Holland be

¹ The Davidson County Sheriff’s Office was dismissed as a defendant by Order entered on May 20, 2013. *See* (Docket Entry No. 4).

GRANTED and that these two Defendants be DISMISSED from the action.” (*Id.*). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

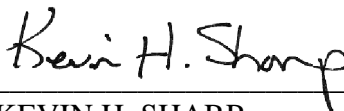
(1) The Report and Recommendation (Docket Entry No. 25) is hereby ACCEPTED and APPROVED;

(2) The *Motion to Dismiss by Defendants Michael Garmon and Joshua Holland* (Docket Entry No. 15) is hereby GRANTED; and

(3) The claims against Defendants Michael Garmon and Joshua Holland are hereby DISMISSED WITH PREJUDICE.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01 for claims against the remaining defendant, LeRonce Mitchell.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE